

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BRYAN R. MUDRICH,

Civil No. 11-1229 (JRT/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

WAL-MART STORES, INC.,

Defendant.

Bryan R. Mudrich, 15001 Greenhaven Drive #231, Burnsville, MN 55306,
pro se plaintiff.

Stephanie Sarantopoulos, Kahla Bunde, and Reagan Wilkins Oden, **LITTLER
MENDELSON, PC**, 80 South Eighth Street, Suite 1300, Minneapolis, MN
55402, for defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes, dated November 18, 2011 [Docket No. 43]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendant Wal-Mart's Motion to Dismiss [Docket No. 3], be **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** with respect to Plaintiff's age discrimination claims only. Plaintiff's age discrimination claims are dismissed with prejudice. The motion is **WITHDRAWN** with respect to Plaintiff's sex discrimination claims, and therefore Plaintiff's sex discrimination claims remain. The motion is **DENIED** with

respect to Plaintiff's wrongful termination claim to the extent that it is based on sex discrimination, but **GRANTED** with respect to Plaintiff's wrongful termination claim to the extent that it is based on age discrimination.

Dated: December 9, 2011
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge